



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



December 17, 2001

Mr. John Meisner
Town of Effingham
Board of Selectmen
Chairman
Townhouse Road
P.O. Box 25
Effingham, New Hampshire 03882

CERTIFIED MAIL (7099 3400 0002 9772 3859)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2001-013

RE: Open Burning of Non-Conforming Materials

Dear Mr. Meisner:

On October 3, 2001 and October 19, 2001, personnel from the New Hampshire Department of Environmental Services ("DES"), visited the Effingham Solid Waste Transfer Station ("Facility") located off Snow Road in Effingham, NH. The purpose of the October 3, 2001 courtesy visit was to observe the Facility and to suggest ways in which to improve its operation. The purpose of the October 19, 2001 inspection was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 13525 ("PIP No. 13525") which authorizes the Town of Effingham to operate a municipal burn site for untreated wood and brush.

At the time of the October 3, 2001 visit, DES personnel observed the following non-conforming materials in the burn pile: plywood, painted wood, pressure treated wood and chip board.

On October 5, 2001, a letter was sent to the Town of Effingham Board of Selectmen outlining the results of the October 3, 2001 site visit and DES's concern regarding the non-conforming material observed at the burn site. The letter included several ways to prevent non-conforming material from entering the burn area.

During the October 19, 2001 inspection, DES personnel observed non-conforming materials in the burn pile, including: charred painted wood, melted glass, metal, and melted plastic.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning, and Condition 2 of PIP No. 13525. Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Condition 2 of PIP No. 13525 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and states that only brush and untreated wood, as defined below, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber, which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

- Burn only brush and untreated wood as described in PIP No. 13525, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No.13525, Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with PIP No. 13525 and Env-A 1000.

Attached is a copy of PIP No. 13525, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Mr. Joseph Ritz, Enforcement Specialist
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Mr. Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: PIP No. 13525, Env-A 101.54, Env-A 101.286 and Env-A 1000

K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD
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